

EXHIBIT 17-2: PBV DEFINITIONS

(a) Use of PBV definitions

(1) PBV terms (defined in this section). This section defines PBV terms that are used in this part 983. For PBV assistance, the definitions in this section apply to use of the defined terms in part 983 and in applicable provisions of 24 CFR part 982. (Section 983.2 specifies which provisions in part 982 apply to PBV assistance under part 983.)

(2) Other voucher terms (terms defined in 24 CFR 982.4).

(i) The definitions in this section apply instead of definitions of the same terms in 24 CFR 982.4.

(ii) Other voucher terms are defined in §982.4, but are not defined in this section.

Those §982.4 definitions apply to use of the defined terms in this part 983 and in provisions of part 982 that apply to part 983.

(b) PBV definitions. 1937 Act. The United States Housing Act of 1937 (42 U.S.C. 1437 et seq.).

- **Activities of daily living.** Eating, bathing, grooming, dressing, and home management activities.
- **Admission.** The point when the family becomes a participant in the PHA's tenant-based or project-based voucher program (initial receipt of tenant-based or project-based assistance). After admission, and so long as the family is continuously assisted with tenant-based or project-based voucher assistance from the PHA, a shift from tenant-based or project-based assistance to the other form of voucher assistance is not a new admission.
- **Agreement to enter into HAP contract (Agreement).** The Agreement is a written contract between the PHA and the owner in the form prescribed by HUD. The Agreement defines requirements for development of housing to be assisted under this section. When development is completed by the owner in accordance with the Agreement, the PHA enters into a HAP contract with the owner. The Agreement is not used for existing housing assisted under this section. HUD will keep the public informed about changes to the Agreement and other forms and contracts related to this program through appropriate means.
- **Assisted Living Facility.** A residence facility (including a facility located in a larger multifamily property) that meets all the following criteria:

- a. The facility is licensed and regulated as an assisted living facility by the state, municipality, or other political subdivision;
 - b. The facility makes available supportive services to assist residents in carrying out activities of daily living; and
 - c. The facility provides separate dwelling units for residents and includes common rooms and other facilities appropriate and actually available to provide supportive services for the residents.
- **Chronically Homeless.** A person who is “chronically homeless” is an unaccompanied homeless individual with a disabling condition, or a family with at least one adult member who has a disabling condition, who has either been continuously homeless for a year or more OR has had at least four (4) episodes of homelessness in the past three (3) years.” An episode of homelessness is a separate, distinct, and sustained stay in a place not meant for human habitation, on the streets, in an emergency homeless shelter and/or in a HUD-defined Safe Haven. A chronically homeless person must be disabled during each episode. A disabling condition is defined as “a diagnosable substance use disorder, serious mental illness, developmental disability, or chronic physical illness or disability, including the co-occurrence of two or more of these conditions.” A disabling condition limits an individual’s ability to work or perform one or more activities of daily living.
 - **Comparable rental assistance.** A subsidy or other means to enable a family to obtain decent housing in the PHA jurisdiction renting at a gross rent that is not more than 40 percent of the family's adjusted monthly gross income.
 - **Contract Units.** The housing units covered by a HAP contract. The contract units are described in Exhibit A of the HAP contract.
 - **Development.** Construction or rehabilitation of PBV housing after the proposal selection date.
 - **Excepted Units.** (units in a multifamily project not counted against the 25 percent per-project cap). See §983.56(b)(2)(i).
 - **Existing Housing.** Housing units that already exist on the proposal selection date and that substantially comply with the HQS on that date. (The units must fully comply with the HQS before execution of the HAP contract.)

- **Homeless.** A person/prospective household must meet the following definition of homeless to qualify. The tenant must be:

Category 1 (Homeless):

- Individual or family who lacks fixed, regular, and adequate nighttime residence, meaning:
- An individual or family with a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings including a car, park, abandoned building, bus or train station, airport, or camping ground;
- Individual or family living in a supervised publicly or privately operated shelter designated to provide temporary living arrangements (including congregate shelters, transitional housing, and hotels and motels paid for by charitable organizations or be federal, state, or local government programs for low-income individuals); or
- An individual who is exiting an institution where he/she resided for 90 days or less and who resided in an emergency shelter or place not meant for human habitation immediately before entering that institution.

Category 2 (At Risk of Homelessness):

- Individuals or families who will imminently lose their primary nighttime residence provided that:
- Residence will be lost within 14 days of date of application for homeless assistance;
- No subsequent residence has been identified; and
- The individual or family lacks the resources or support networks; e.g. family, friends, faith-based or other social networks, to obtain other permanent housing

Category 3 (Homeless Youth):

- Unaccompanied youth under 25 years of age, or families with children and youth, who do not otherwise qualify as homeless under this definition, but who:
- Are defined as homeless under section 387 of the Runaway and Homeless Youth Act (42 U.S.C. 5732a), section 637 of the Head Start Act (42 U.S.C. 9832), section 41403 of the Violence Against Women Act of 1994 (42 U.S.C. 14043e-2), section 330(h) of the Public Health Service Act (42 U.S.C. 254b(h)), section 3 of the Food and Nutrition Act of 2008 (7 U.S.C. 2012), section 17(b) of the Child Nutrition Act of

1966 (42 U.S.C. 1786(b)), or section 725 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a);

- Have not had a lease, ownership interest, or occupancy agreement in permanent housing at any time during the 60 days immediately preceding the date of application for homeless assistance;
- Have experienced persistent instability as measured by two moves or more during the 60-day period immediately preceding the date of applying for homeless assistance; and
- Can be expected to continue in such status for an extended period of time because of chronic disabilities, chronic physical health or mental health conditions, substance addiction, histories of domestic violence or childhood abuse (including neglect), the presence of a child or youth with a disability, or two or more barriers to employment, which include the lack of a high school degree or General Education Development (GED), illiteracy, low English proficiency, a history of incarceration or detention for criminal activity, and a history of unstable employment;

Category 4 (Domestic Violence):

- Any individual/family who is fleeing, or is attempting to flee, domestic violence, dating violence, sexual assault, stalking, or other dangerous or life threatening conditions that relate to violence against the individual or a family member, including a child, that has either taken place within the individual's or family's primary nighttime residence or have made the individual or family afraid to return to their primary nighttime residence and
- Has no other residence and
- Lacks the resources or support networks to obtain other permanent housing
- **Household.** The family and any PHA-approved live-in aide.
- **Housing Assistance Payment.** The monthly assistance payment for a PBV unit by a PHA, which includes:
 - a. A payment to the owner for rent to owner under the family's lease minus the tenant rent; and
 - b. An additional payment to or on behalf of the family, if the utility allowance exceeds the total tenant payment, in the amount of such excess.

- **Housing Credit Agency.** For purposes of performing subsidy layering reviews for proposed PBV projects, a housing credit agency includes a State housing finance agency, a State participating jurisdiction under HUD's HOME program (see 24 CFR part 92), or other State housing agencies that meet the definition of “housing credit agency” as defined by section 42 of the Internal Revenue Code of 1986.
- **Housing Quality Standards (HQS).** The HUD minimum quality standards for housing assisted under the program. See 24 CFR 982.401.
- **HUD requirements.** HUD requirements which apply to the project-based voucher program. HUD requirements are issued by HUD headquarters, as regulations, Federal Register notices or other binding program directives.
- **Lease.** A written agreement between an owner and a tenant for the leasing of a PBV dwelling unit by the owner to the tenant. The lease establishes the conditions for occupancy of the dwelling unit by a family with housing assistance payments under a HAP contract between the owner and the PHA.
- **Legal Capacity.** The tenant is bound by the terms of the lease and may enforce the terms of the lease against the owner.
- **Multifamily Building.** A building with five or more dwelling units (assisted or unassisted).
- **Newly Constructed Housing.** Housing units that do not exist on the proposal selection date and are developed after the date of selection pursuant to an Agreement between the PHA and owner for use under the PBV program.
- **Partially Assisted Project.** A project in which there are fewer contract units than residential units.
- **PHA-Owned Unit.** A dwelling unit owned by the PHA that administers the voucher program. PHA-owned means that the PHA or its officers, employees, or agents hold a direct or indirect interest in the building in which the unit is located, including an interest as titleholder or lessee, or as a stockholder, member or general or limited partner, or member of a limited liability corporation, or an entity that holds any such direct or indirect interest.
- **Premises.** The project in which the contract unit is located, including common areas and grounds.
- **Principal or interested party.** This term includes a management agent and other persons or entities participating in project management, and the officers and principal members,

shareholders, investors, and other parties having a substantial interest in the HAP contract, or in any proceeds or benefits arising from the HAP contract.

- **Program.** The voucher program under section 8 of the 1937 Act, including tenant-based or project-based assistance.
- **Project.** A project is a single building, multiple contiguous buildings, or multiple buildings on contiguous parcels of land. Contiguous in this definition includes “adjacent to”, as well as touching along a boundary or a point.
- **Project-Based Certificate (PBC) Program.** The program in which project-based assistance is attached to units pursuant to an Agreement executed by a PHA and owner before January 16, 2001 (see §983.10).
- **Proposal Selection Date.** The date the PHA gives written notice of PBV proposal selection to an owner whose proposal is selected in accordance with the criteria established in the PHA's administrative plan.
- **Qualified Census Tract.** Any census tract (or equivalent geographic area defined by the Bureau of the Census) in which at least 50 percent of households have an income of less than 60 percent of Area Median Gross Income (AMGI), or where the poverty rate is at least 25 percent and where the census tract is designated as a qualified census tract by HUD.
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- **Qualifying Families** (for purpose of exception to 25 percent per-project cap). See §983.56(b)(2)(ii).
- **Rehabilitated Housing.** Housing units that exist on the proposal selection date, but do not substantially comply with the HQS on that date, and are developed, pursuant to an Agreement between the PHA and owner, for use under the PBV program.
- **Release of Funds (for purposes of environmental review).** Release of funds in the case of the project-based voucher program, under 24 CFR 58.1(b)(6)(iii) and §983.58, means that HUD approves the local PHA's Request for Release of Funds and Certification by issuing a Letter to Proceed (in lieu of using form HUD-7015.16) that authorizes the PHA to execute an “agreement to enter into housing assistance payment contract” (AHAP) or, for existing housing, to directly enter into a HAP with an owner of units selected under the PBV program.

- **Rent to Owner.** The total monthly rent payable by the family and the PHA to the owner under the lease for a contract unit. Rent to owner includes payment for any housing services, maintenance, and utilities to be provided by the owner in accordance with the lease. (Rent to owner must not include charges for non-housing services including payment for food, furniture, or supportive services provided in accordance with the lease.)
- **Responsible Entity (RE) (for environmental review).** The unit of general local government within which the project is located that exercises land use responsibility or, if HUD determines this infeasible, the county or, if HUD determines that infeasible, the state.
- **Single-Family Building.** A building with no more than four dwelling units (assisted or unassisted).
- **Site.** The grounds where the contract units are located, or will be located after development pursuant to the Agreement.
- **Special Housing Type.** Subpart M of 24 CFR part 982 states the special regulatory requirements for single-room occupancy (SRO) housing, congregate housing, group homes, and manufactured homes. Subpart M provisions on shared housing, manufactured home space rental, and the homeownership option do not apply to PBV assistance under this part.
- **Special Needs.** A person (prospective tenant) with special needs must be the adult member of the household and meet the criteria in both categories below, or the person is a recipient of SSI/SSDI.

The tenant must have:

- a. A describable “special need condition”, defined as a physical (including profound deafness and legally blind), mental or emotional impairment that is of long-term duration, and
- b. At the same time, the tenant must have a substantial and sustained need for supportive services in order to successfully live independently. In order to meet the “special needs definition,” tenants must require assistance in at least two life-skill areas, such as:
 - The ability to independently meet personal care needs;
 - Economic self-sufficiency (capacity for sustained and successful functioning in vocational, learning or employment contexts);

- Use of language (ability to effectively understand, be understood and handle communication as needed on a daily and ongoing basis);
 - Instrumental living skills (managing money, getting around in the community, grocery shopping, complying with prescription requirements, meal planning and preparation, mobility, etc.), or
 - Self-direction (making decisions/choices about one's day-to-day activities and regarding one's future).
- **Tax Credit Rent.** The rent charged for comparable units of the same bedroom size in the building that also receive the low-income housing tax credit but do not have any additional rental assistance (e.g., tenant-based voucher assistance).
 - **Tenant-Paid Utilities.** Utility service that is not included in the tenant rent (as defined in 24 CFR 982.4), and which is the responsibility of the assisted family.
 - **Total Tenant Payment.** The amount described in 24 CFR 5.628.
 - a. Determining total tenant payment (TTP). Total tenant payment is the highest of the following amounts, rounded to the nearest dollar:
 - 30 percent of the family's monthly adjusted income;
 - 10 percent of the family's monthly income;
 - If the family is receiving payments for welfare assistance from a public agency and a part of those payments, adjusted in accordance with the family's actual housing costs, is specifically designated by such agency to meet the family's housing costs, the portion of those payments which is so designated; or
 - The minimum rent, as determined in accordance with §5.630.
 - b. Determining TTP if family's welfare assistance is ratably reduced. If the family's welfare assistance is ratably reduced from the standard of need by applying a percentage, the amount calculated under paragraph (a)(3) of this section is the amount resulting from one application of the percentage.
 - **Utility Allowance.** See 24 CFR 5.603. If the cost of utilities (except telephone) and other housing services for an assisted unit is not included in the tenant rent but is the responsibility of the family occupying the unit, an amount equal to the estimate made or approved by a PHA or HUD of the monthly cost of a reasonable consumption of such utilities and other services for the unit by an energy-conservative household of modest

circumstances consistent with the requirements of a safe, sanitary, and healthful living environment.

- **Utility Reimbursement.** See 24 CFR 5.603. The amount, if any, by which the utility allowance for a unit, if applicable, exceeds the total tenant payment for the family occupying the unit. (This definition is not used in the Section 8 voucher program, or for a public housing family that is paying a flat rent.)
- **Wrong-Size Unit.** A unit occupied by a family that does not conform to the PHA's subsidy guideline for family size, by being either too large or too small compared to the guideline.